



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSH WEBBER, et al.,

Plaintiffs,

- against -

DAMON ANTHONY DASH, et al.,

Defendants. :  
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19-CV-610 (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

Pursuant to the conference held on December 3, 2020:

1. Plaintiffs' application for terminating sanctions based on yet another cancellation of Mr. Dash's deposition is denied without prejudice. (Dkt 165.) The Court is providing a last and final opportunity to Mr. Dash to complete his deposition.

2. Mr. Dash's deposition shall be conducted in person in California no later than the end of January 2021. Mr. Dash shall cooperate in providing dates suitable to Plaintiffs.

3. If Mr. Dash's deposition does not go forward as scheduled due to the failure to appear, misconduct, or other actions of Mr. Dash, Mr. Dash will be deemed to be in default, terminating sanctions will be granted, the Defendants' counterclaims will be dismissed with prejudice, and default judgment will be entered in favor of Plaintiffs.

4. Discovery will be deemed closed upon the completion of Mr. Dash's deposition.

5. By March 1, 2021, the parties shall either file a pre-trial order complying with my individual rules and practices or file letters in regard to dispositive motions.

6. Mr. Dash shall pay the non-refundable costs expended by Plaintiffs in connection with the November 20, 2020 deposition canceled by Mr. Dash. Mr. Dash shall make the payment within 14 days of receipt of a statement of the costs from Plaintiffs.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: December 3, 2020  
New York, New York